

REMARKS

Claims 1-6 and 25-29 are pending. Claims 7-24 and 30-34 were previously cancelled. Claims 1, 4 and 25 are currently amended. Claim 35 is added. No new matter is introduced in this Amendment.

35 U.S.C. § 102 Rejections

Claims 1, 3, 4, 6, 25 and 29 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,690,344 to Brumm (Brumm). These rejections are respectfully traversed.

In view of the current amendments to claims 1 and 25, it is respectfully submitted that Brumm does not establish a *prima facie* case of anticipation of either independent claim 1 or independent claim 25 because Brumm does not disclose a support element that passes through an actuating element, as required by the amended claims. Instead, the actuating element of the Brumm invention passes through the support element. Hence, Brumm anticipates neither claim 1 nor claim 25. Accordingly, claims 3 and 29, which depend from claims 1 and 25, respectively, are also not anticipated.

Applicant respectfully submits that Brumm does not establish a *prima facie* case of anticipation of independent claim 4 as the means disclosed in Brumm does not disclose an element that deforms radially inward to affect a flow restriction, as required by the clarifying amendment to claim 4 and disclosed in the specification supporting this means-plus-function claim. Thus, neither claim 4 nor claim 6 which depends from claim 4 is anticipated by Brumm.

Claims 1, 4, 25 and 26 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,002,086 to Linder, et al. (Linder). These rejections are respectfully traversed in view of the current amendments.

Applicant respectfully submits that Linder does not establish a *prima facie* case of anticipation of independent claims 1 or 25 because Linder does not disclose a support element that passes through the actuating element, as required by the amended claims. Instead, the actuating element of the Linder invention is external to the support element. Hence, Linder anticipates neither claim 1 nor claim 25.

Also, applicant respectfully submits that Linder does not anticipate independent claim 4 as amended, as Linder does not disclose a flexible element that acts radially inward to restrict flow, as required by the clarifying amendment and disclosed in the specification supporting this means-plus-function claim.

Claims 1, 2, 4, 5, 25, 27 and 28 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,906,353 to Someya, et al. (Someya). These rejections are respectfully traversed in view of the current amendments.

Applicant respectfully submits that Someya does not establish a *prima facie* case of anticipation of independent claim 1 or independent claim 25 because Someya does not disclose a support element that passes through the actuating element, now required by the amendments to these claims. Rather, the actuating element of the Someya invention is external to the support element. Hence, Someya anticipates neither claim 1 nor claim 2 which depends from claim 1. Likewise, Someya does not anticipate claim 25, or claims 27 and 28 which depend from claim 25.

Also, applicant respectfully submits that Someya does not present a *prima facie* case for anticipation of independent claim 4 as Someya does not teach a flexible element that moves radially inward to restrict flow, as required by the amended claim and disclosed in the specification supporting this means-plus-function claim. Thus Someya does not anticipate independent claim 4, nor dependent claim 5 which depends from claim 4.

In summary, Applicant respectfully requests that the rejection of claims 1-6 and 25-29 under 35 U.S.C. § 102(b) be withdrawn.

35 U.S.C § 103 Rejections

Claims 2, 5, 27 and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Brumm in view of Someya. Applicant respectfully traverses these rejections.

In view of the amendments to claim 1 and claim 25, it is respectfully submitted that claim 2, which depends from claim 1, and claims 27 and 28, which depend from claim 25, traverses the §103(a) rejections.

Applicant respectfully submits that claim 5 is not rendered obvious to one of ordinary skill in the art by Brumm in view of Someya. Neither Brumm nor Someya teach a support element that passes through the actuating element, as disclosed in the specification supporting this means-plus-function claim.

In summary, Applicant respectfully requests that the rejection of claims 2, 5, 27 and 28 under 35 U.S.C. § 103(a) be withdrawn.

Information Disclosure Statement

The Information Disclosure Statement, filed July 29, 2003, has been identified as failing to comply with 37 CFR 1.98 for not including legible copy of the NPL documents identified. Please find enclosed legible copies of the NPL documents listed, thus satisfying the requirements of 37 CFR 198(d)(2).

Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

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